IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 21046 of 2004

Between:

Santhamma, W/o.Panny Swamy,
R/o.29-14, Madhuranagar Colony, Naredmet,
Malkajgiri, R.R.District.

... PETITIONER

AND

1 The Commissioner, Municipal Council, Malkajgiri, R.R.Dist.
2 Singireddy Jayasheeela Devi, W/o.Sanjeeva Reddy,
Jalapur village, Bhongir, Nalgonda Dist.
3 Swaroopa Reddy, D/o.Narsimha Reddy, W/o.Mohan Reddy,
R/o.Mylaram Village, Bhongir, Nalgonda District.
4 The Government of A.P. rep.by its Principal Secretary Municipal

Administration, Secretariat, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction of writ more particularly one in the nature of writ of certiorari calling for records pertaining to proc. No.991/A1/2003 dated 6-10-2004 on the file of the first Respondent and Quash the same as violative of Rule 3 of Alteration of Ownership of property in Assessment Books Rules, 1966 and principles of Natural Justice and consequently allow the petitioner to enjoy the property bearing

No.37-93/106/1, Madhuranagar, in plot No.50 Survey No.278, Neredmet, Malkajgiri Municipality, R.R.District without any hindrance from the Respondents herein.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY

Counsel for Respondents No. 1: -

Counsel for Respondents 2 AND 3: MR.D.RAVINDER REDDY

Counsel for Respondent No. 4: G.P. for Municipal Admn.

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for petitioner and also the learned Government Pleader for the respondents.

2. Against the order passed by the Commissioner, Malkajgiri Municipality cancelling the tax assessment made, appeal lies to the Municipal Council under Section 353 of the A.P. Municipalities Act (for short 'the Act').

3. In view of the statutory right of appeal available under the Act, the present writ petition cannot be entertained and it is accordingly dismissed. No costs. Petitioner is at liberty to file an appeal before the Municipal Council and urge all the grounds, which are raised in the present writ petition.

_____

A. **GOPAL REDDY, J**

November 17, 2004

N.B. Copy in two days

(B/o)

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Commissioner, Municipal Council, Malkajgiri, R.R.Dist.

2 The Principal Secretary Municipal Administration, Government of A.P., Secretariat, Hyderabad.

3 Two C.C. s to the G.P. for Municipal Administration, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.